

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TYRONE P. JAMES,	:	
	:	
Plaintiff	:	
	:	No. 1:CV-01-1015
v.	:	
	:	(Judge Kane)
YORK COUNTY POLICE	:	(Magistrate Judge Mannion)
DEPARTMENT; AGENT JAMES H.	:	
MORGAN; DET. RICHARD	:	Electronically Filed
PEDDICORD; DET. RAYMOND E.	:	
CRAUL; SGT. GENE FELS; DET.	:	
ANTHONY GLOWCZEWSKI; AGENT	:	
RANDY SIPES; and AGENT BRIAN	:	
WESTMORELAND,	:	
Defendants	:	

DEFENDANTS' MOTION TO DEPOSE
A PERSON CONFINED IN PRISON

Pursuant to Rule 30 of the Federal Rules of Civil Procedure, Defendants hereby move for leave of Court to conduct a deposition of Plaintiff Tyrone James, an inmate presently incarcerated at York County Prison. In support thereof, Defendants state the following:

1. Plaintiff, Tyrone James, is an inmate presently incarcerated at York County Prison.
2. On June 8, 2001, Plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983.
3. On October 15, 2003, defendants filed an Answer to the Complaint.

4. Pursuant to Rule 30 of the Federal Rules of Civil Procedure, the deposition of a prisoner may be taken only by leave of court.

5. A deposition would help to narrow the issues and clarify the facts for a summary judgment or a trial.

6. Therefore, Defendants seek leave of Court to depose Plaintiff in this matter.

WHEREFORE, Defendants' Motion to depose Plaintiff should be granted.

Respectfully submitted,

GERALD J. PAPPERT
Acting Attorney General

By: s/Jason C. Giurintano
JASON C. GIURINTANO
Deputy Attorney General
I.D. No. 89177

Office of Attorney General
Civil Litigation Section
15th Floor, Strawberry Square
Harrisburg, PA 17120

Date: January 21, 2004

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

Counsel for Defendants

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RANDY SIPES; and AGENT BRIAN	:	
WESTMORELAND,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I, Jason C. Giurintano, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on January 21, 2004, I caused to be served a true and correct copy of the foregoing document entitled Defendants' Motion For Leave To Depose A Person Confined In Prison by depositing same in the United States Mail, first-class postage prepaid to the following:

Tyrone P. James, #62154
York County Prison
3400 Concord Road
York, PA 17402

Donald L. Reihart
Law Office of Donald L. Reihart
2600 Eastern Blvd., Suite 204
York, PA 17402

s/Jason C. Giurintano
JASON C. GIURINTANO
Deputy Attorney General